

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

JOHN PETER MISKA,

*Plaintiff,*

v.

Civil Action No. **3:19CV00010**

THE CITY OF CHARLOTTESVILLE,

*Defendant.*

**MOTION TO DISMISS**

Comes now The City of Charlottesville, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and moves this Court to dismiss the Complaint filed against it on the grounds that the Complaint fails to state a plausible claim for relief.

A brief in support of this Motion is filed this date with Exhibits 1-5 attached which are public records and integral to the Complaint and incorporated into this Motion.

THE CITY OF CHARLOTTESVILLE  
By Counsel

s/Richard H. Milnor

Richard H. Milnor, Esquire (VSB #14177)

Zunka, Milnor & Carter, Ltd.

414 Park Street

P O Box 1567

Charlottesville VA 22902

Telephone: (434) 977-0191

Facsimile: (434) 977-0198

rmilnor@zmc-law.com

s/John C. Blair, II

John C. Blair, II (VSB #65274)

Charlottesville City Attorney

Lisa Robertson (VSB #32486)

Chief Deputy City Attorney

605 East Main Street-City Hall

Charlottesville, VA 22902

Telephone: (434) 970-3131

Facsimile: (434) 970-3022

blairjc@charlottesville.org

robertsonl@charlottesville.org

*Counsel for the City of Charlottesville*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of March, 2019, I electronically filed the foregoing Consent Motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Richard H. Milnor